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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,827	01/23/2002	Philipp Ritter	TRW(REPA)6028	7790
26294 7590 08/07/2007 TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 1300 EAST NINTH STREET, SUITE 1700 CLEVELAND, OH 44114				
EXAMINER				
SINGH, ARTI R				
ART UNIT		PAPER NUMBER		
1771				
MAIL DATE		DELIVERY MODE		
08/07/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/054,827

## Applicant(s)

RITTER, PHILLIP

## Examiner

Ms. Arti Singh

## Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3-9, 11, 12, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-9, 11, 12, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. The Examiner has carefully considered Applicant's remarks dated 05/17/07. There were no amendments to be entered. The pending claims at this time in the prosecution are claims 3-9, 11-12 and 19-20, all of which stand rejected under the art rejection over Edwards et al. (USPN 6037280 in view of Veiga et al. (USPN 6458724). This rejection is maintained.
2. Applicant's arguments dated 05/17/07 have been considered but are not found to be persuasive. The Examiner shall address the issues of both independent claims simultaneously, as the arguments presented by Applicant are essentially the same. Applicant's first traversal is that a prima facie case of obviousness has not been established and that the combination of Edwards et al. and Veiga et al. do not teach that coating or finish is applied to the fabric after the incorporation of the particles. The Examiner rebuts in that, this is inaccurate and directs Applicant to the last column 2, lines 25-65, where the reference teaches that the particles are attached within the interstitial spaces within the fabric, and that the particle may also be attached to the surface of the fabric. Alternatively, the particles may be incorporated into the body of the prior to the application of a binder. Therefore, this notion is not found to be convincing because this passage teaches exactly what Applicant claims.

Applicant's second traversal is that the cited references do not teach or suggest that the particles found within the interstices of the fabric is at least 5% greater than that if untreated fabric which would have the same construction. The Examiner refutes this notion by arguing that even the presence of a minuscule amount of particles would provide some percentage of increased static friction when compared to a fabric that has no particles. Applicant argues that the Office has failed to provide any support for this argument, other than pointing to the working examples, which show variations of static friction found within

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the rejection. The Examiner is of the position that it is common sense that a fabric with a particle and a coating will automatically exhibit different properties than a fabric that has NO particles and a coating. Furthermore, Applicant never claims any specific amount for their coating, or the particles that are present that would exhibit such a difference of static friction. Additionally, given that the combination of the Edwards and Veiga et al. teach the structure and chemistry of Applicant's claims, it is the position of the Examiner that the cited references do not specifically teach that the particles that are present between the warp and weft of the fabric provide the property of static friction that is at least 5% greater than that of an untreated fabric having the same construction. However, it would have been obvious for a person having ordinary skill in the art at the time the invention was made to apply enough particles to the fabric in order to create the property of static friction in a fabric, as it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In *re Boesch*, 617 F.2d 272, 205 USPQ 215. One of ordinary skill in the art would be motivated to choose even a minuscule amount of particles to be applied to the fabric so that at some static friction is created that is at least 5% greater than that of a fabric that has no particles. One would have been motivated to add particles to a fabric in order to provide a fabric composite that has different surface properties, dependant upon the chemistry of the particle chosen.

Applicant's next traversal is that the references should not be combined, as there is no motivation or suggestion to combine the teachings, as an airbag would not utilize a UV particle. Firstly, it is the position of the Examiner that what the particles are used for is irrelevant, however their presence is the key feature, which it is, on a woven fabric, which is coated. The particles do not just exhibit UV properties but a plethora of other properties too. Therefore, the fact that the fabric contains the same particles but requires different

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properties from the same particle is beside the point. This makes the references combinable as they are considered analogous art (both coated fabrics). Therefore, Applicants arguments are not found to be persuasive and the rejection is maintained.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 3-9, 11, 12, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6037280 issued to Edwards et al. in view of USPN 6458724 issued to Veiga et al. as substantially set forth above and in the previous office action at paragraph 5.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Arti Singh whose telephone number is 571-272-1483. The examiner can normally be reached on M-T 9-5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Arti Singh/  
Primary Examiner  
Art Unit 1771  
08/05/07

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